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11 COUNTY OF CLARK, TARA DONOHUE,
12 LISA RUIZ-LEE, KIM KALLAS,
13 PATRICIA MEYERS, JEREMY LAW,
14 IRENE KOZICKI, SHUUANDY ALVAREZ,
15 LANI AITKEN AND OSCAR BENAVIDES

16
17 **UNITED STATES DISTRICT COURT**
18
19 **DISTRICT OF NEVADA**

20 SERGIO MOMOX-CASELIS, individually
21 and as Guardian Ad Litem for MARIA
22 MOMOX-CASELIS; NICOLASA
23 HERNANDEZ, as Special Administrator of
24 the estate of M.M., born May 15, 2013 and
25 died October 12, 2014,

26 Plaintiffs,

27 v.

28 MAIRA JUAREZ-PAEZ; LISA RUIZ-
LEE; KIM KALLAS; TARA DONAHUE;
PATRICIA MEYERS; JEREMY LAW;
IRENE KOZICKI; SHUUANDY
ALVAREZ; LANI AITKEN; OSCAR
BENAVIDES, individuals; Estate of
JOAQUIN JUAREZ-PAEZ; DOE
individuals I-X; ROE CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES
EMPLOYEES XIII-XX, individually and in
their official capacities; CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES;
COUNTY OF CLARK, a political
subdivision of the State of Nevada; and
ZOE CORPORATIONS XXI-XXX,

29 Defendants.

30 CASE NO. 2:16-cv-00054-APG-GWF

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32 **STIPULATION AND ORDER TO**
33 **EXTEND DISCOVERY**
34 **(Fifth Request)**

1 Pursuant to FRCP 6 and FRCP 26, the parties, by and through their respective counsel of
2 record, hereby stipulate and agree to jointly move this Court for an Order to extend the discovery
3 deadlines, as set forth below.

4 1. Extend the date to disclose rebuttal expert witnesses from 12/4/17 to 1/31/18
5 2. Extend the discovery cut-off deadline from 1/4/2018 to 3/2/18
6 3. Extend the date to file dispositive motions from 2/5/18 to 4/3/18
7 4. Extend the date to file the Joint Pre-Trial Order from 3/4/18 to 4/30/18
8 5. Extend the date to file Pre-Trial Disclosures or objections to the Pre-Trial Order
9 from 4/3/2018 to 6/27/18

10 **I. DISCOVERY COMPLETED**

11 Defendants COUNTY OF CLARK, CLARK COUNTY DEPARTMENT OF
12 FAMILY SERVICES, TARA DONOHUE, LISA RUIZ-LEE, KIM KALLAS, BETH ANN
13 NELSON, JEREMY LAW, IRENE KOZIKI, and SHUUANDY ALVAREZ (“Defendants”)
14 provided their initial witness and document disclosures pursuant to FRCP 26(a)(1) on April 19,
15 2016, and have since provided 15 supplemental disclosures. To date, Defendants have disclosed
16 thousands of pages of documents. Plaintiffs provided their initial witness and document
17 disclosures pursuant to FRCP 26(a)(1) on April 15, 2016.

18 Defendants propounded written discovery (interrogatories, requests for production and
19 requests for admission) to Plaintiffs SERGIO MOMOX-CASELIS, MARIA MOMOX-
20 CASELIS and NICOLASA HERNANDEZ (“Plaintiffs”) and Plaintiffs responded thereto.

21 Plaintiffs propounded written discovery (interrogatories, requests for production and
22 requests for admission) to Defendants, and Defendants responded thereto.

23 The following depositions have been taken to date: Kim Kallas, Patricia Meyers, Maria
24 Juarez-Paez, Shuuandy Alvarez, Lani Aitken, Oscar Benavides and Sergio Momox.

25 Plaintiffs have disclosed their initial expert witnesses in accordance with FRCP 26(a)(2).

26 **II. GROUNDS FOR DISCOVERY EXTENSION:**

27 This case is complicated due to the number of parties and the circumstances of this case,
28 including the fact that there are two sets of foster parents relevant to and that are parties in this

1 action. As such, there are twice as many documents to disclose and many more depositions that
2 will need to be taken. While Defendants have produced the most of their documents in this case,
3 they still have additional documents to produce that need to be reviewed and redacted as to other
4 minors, including pursuant to their obligations under NRS 432B.280 and NRS 432B.290, before
5 those documents can be produced. At present, Defendants have identified approximately 91
6 other minors indicated in their records.

7 After Defendant Maira Juarez-Paez's deposition was taken on May 20, 2017, additional
8 alleged information came to light requiring a further search for any additional information,
9 documents and witnesses relating thereto, which Defendants began, but are in the process of
10 continuing to do. Thus, additional time is needed for Defendants to complete that search to
11 determine if there is any additional information, documents and witnesses that need to be
12 disclosed in this case. The document search is not limited to within Defendant's possession,
13 custody and/or control but is extending, in part, beyond that. Defendants have disclosed an
14 additional 14 exhibits, amounting to about 487 pages of documents, photos and other items,
15 obtained through the above search and have additional documents to obtain and disclose. The
16 documents relate in large part to Maira Juarez-Paez's deposition testimony and are critical to the
17 facts and issues in this case.

18 The parties are in the process of finalizing a substitution of parties. Plaintiff Sergio
19 Momox will be substituted in and for Plaintiff Nicolasa Hernandez, and Plaintiff Nicolasa
20 Hernandez will be dismissed as a Plaintiff in this case.

21 All parties have been diligently conducting discovery in this case. Defendants disclosed
22 several thousand pages of records. Additionally, Defendants have designated 158 witnesses to
23 date, and additional documents and other witnesses need to be disclosed and perhaps deposed.

24 Defendants intend to disclose their expert rebuttal witness(es), and depositions may need
25 to be taken of the expert witnesses.

26 The parties might conduct additional COR depositions related to the case depending on
27 any newly discovered additional information and/or documents disclosed in this case.

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1 Based on the above, additional discovery needs to be done as indicated herein. As such,
2 there is good cause to extend the discovery deadlines. Therefore, the parties hereby stipulate and
3 request that this Court extend discovery in the above-captioned case for another 58 days, up to
4 and including 3/2/18, 2018, due to all of the above.

5 **III. DISCOVERY THAT REMAINS TO BE COMPLETED:**

6 A. Plaintiffs:

7 1. Plaintiffs would like to take the depositions of other named Defendants
8 and/or any additional witnesses disclosed by Defendants;
9 2. Plaintiffs require additional time to designate any additional experts and
10 consider rebuttal experts.
11 3. Plaintiffs may want to take the deposition of any designated expert
12 3. Plaintiffs may propound additional written discovery upon Defendant.

13 B. Defendants:

14 1. Defendants would like to take the depositions of additional witnesses
15 disclosed by either party;
16 2. Defendants require additional time to designate rebuttal experts.
17 3. Defendants may propound additional written discovery upon Plaintiff.
18 4. Defendants may want to take the deposition of any designated expert.

19 The parties will continue to work together to get the remaining discovery done and
20 depositions completed.

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1 **IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:**

2 The parties have agreed to extend all of the discovery deadlines in this case by 58 days,
3 as set forth below:

4 1. Extend the date to disclose rebuttal expert witnesses from 12/4/17 to 1/31/18
5 2. Extend the discovery cut-off deadline from 1/4/2018 to 3/2/18
6 3. Extend the date to file dispositive motions from 2/5/18 to 4/3/18
7 4. Extend the date to file the Joint Pre-Trial Order from 3/4/18 to 4/30/18
8 5. Extend the date to file Pre-Trial Disclosures or objections to the Pre-Trial Order
9 from 4/3/2018 to 6/27/18

10 DATED this 27th day of November, 2017.

11 GANZ & HAUF

12 */s/ Marjorie Hauf*

13 MARJORIE HAUF, ESQ.
14 Nevada Bar No. 008111
15 ADAM GANZ, ESQ.
16 Nevada Bar No. 00650
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19 Attorneys for Plaintiffs

20 DATED this 27th day of November, 2017.

21 OLSON, CANNON, GORMLEY
22 ANGULO & STOBERSKI

23 */s/ Felicia Galati*

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33 KIM KALLAS, PATRICIA MEYERS,
34 JEREMY LAW, IRENE KOZICKI,
35 SHUANDY ALVAREZ, LANI AITKEN
36 AND OSCAR BENAVIDES

37 **ORDER**

38 **IT IS SO ORDERED:**

39 
40 UNITED STATES MAGISTRATE JUDGE

41 Dated: November 28, 2017